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DOCKET NO.: MOR-0040

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Nicolaides, et al.

Confirmation No.: 5193

Application No.: 09/912,697

Group Art Unit: 1648

Filing Date: July 25, 2001

Examiner: Zachariah Lucas

For: **METHODS FOR GENERATING ANTIBIOTIC RESISTANT MICROBES  
AND NOVEL ANTIBODIES**

DATE OF DEPOSIT: MAY 6, 2005

I HEREBY CERTIFY THAT THIS PAPER IS BEING  
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Heather Kite

TYPED NAME: Heather Kite

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

- ☐ In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of

the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

- ☒ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.116 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:

☒ Certification in Accordance with § 1.97(e) is attached; or

☐ The fee of \$180.00 as set forth in § 1.17(p) is attached.

- ☐ In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of \$180.00 as set forth in § 1.17(p).

- ☒ Copies of reference numbers 123-125 listed on the attached Form PTO-1449 are enclosed herewith.


- ☐ Copies of reference numbers - on the attached Form PTO 1449 are not required to be submitted pursuant to 37 CFR § 1.98(a)(2)(i).

- ☐ Copies of references - are not being submitted because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application number , filed for which a claim for priority under 35 U.S.C. § 120 has been made in the instant application.

There are no listed references which are not in the English language.

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

Date: May 5, 2005

  
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*Heather Kite*

TYPED NAME: Heather Kite

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

### CERTIFICATION UNDER 37 CFR § 1.97(e)

In accordance with 37 CFR § 1.97(e), certification is hereby made that:


- ☒ Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

**DOCKET NO.:**

**- 2 -**

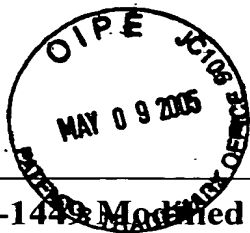
**PATENT**

Date: *May 5, 2005*

  
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<b>Form PTO-1449 Modified</b>  List of Patent and Publications Cited by Applicant (Use several sheets if necessary)  U.S. Department of Commerce Patent and Trademark Office	Docket No. MOR-0040	Application No. 09/912,697
	Applicant Nicolaidis, et al.	
	Filing Date July 25, 2001	Group 1648
	Confirmation No. 5193	

**U. S. PATENT DOCUMENTS**

Examiner Initial		Document No.	Date	Name	Class	Subclass

**FOREIGN PATENT DOCUMENTS**

Examiner Initial		Document No.	Date	Country	Translation	
					YES	NO
	123	02/054856 A1	07/18/02	WO		

Examiner Initial	OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	124	Drummond, J. T. et al., "DHFR/MSH3 amplification in methotrexate-resistant cells alters the hMutS $\alpha$ / hMutS $\beta$ ration and reduces the efficiency of base-base mismatch repair," <i>Proc Natl Acad Sci USA</i> , September 1997, 94:10144-10149
	125	Karran, P., "Mechanism of tolerance to DNA damaging therapeutic drugs," <i>Carcinogenesis</i> , 2001, 22(12):1931-1937

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
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